IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 8628 of 2005

Between:

1 Suda Venkateswara Rao S/o Samudreswara Rao
R/o 8-4-372/438/7 Saibaba Nagar Boraanda, Hyderabad
2 D.V. Nageswara Rao S/o Subba Rao
Government Quarter No. MC 234, Malakpet Colony, Hyderabad

..... PETITIONERS

AND

1 The State of Andhra Pradesh rep by its Secretary to Government, Finance

and Planning Department, Saifabad, Hyderabad
2 The Pay and Accounts Officer, Nampally, Hyderabad
3 The High Court of Andhra Pradesh rep by Registrar (Admn), High Court,

Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring as illegal, arbitrary and unconstitutional the action of the Respondents 1 and 2 in not allowing the advance Increment to the petitioners in terms of G.O.Ms. No. 114 Finance and Planning dt 04-04-1980 and issue a consequential direction to the Respondents to release the advance increment from the date of their eligibility i.e. 08-07-2000 and 04-11-2001 respectively

Counsel for the Petitioner:MR.D.V.SITARAMAMURTHY

Counsel for the Respondents No.1 & 2 : GP FOR FINANCE & PLANNING

Counsel for the Respondent No.3 :Mrs M.Bhaskara Lakshmi, SC FOR HIGH COURT

The Court at the admission stage made the following :

ORDER : (Per Hon'ble Sri Bilal Nazki, ACJ)

The grievance of the petitioners is that though they had acquired higher qualification of degree, they were not given the advance increment in terms of concerned Government Orders. In the counter-affidavit filed by the Government, it is stated that the Pay Revision Commissioner, while recommending the Revised Pay Scales with effect from 01.07.1998, had recommended the prospective discontinuance of the scheme of Family Planning increment, sanction of advance increments for possessing higher qualifications. The same was accepted by the Government, and Director of Treasuries and Accounts, by Memo dated 07.11.2001, has communicated it to the petitioners. The learned Counsel for the petitioners submitted that those who acquired higher qualifications prior to 01.07.1998 were given advance increment on acquiring of higher qualification, whereas those who acquired higher qualification after 01.07.1998 were denied, as such, it is discriminatory.

We do not agree with this submission. Government was well within its powers to pass the orders by which the increments were denied after a particular date. The Memo passed in the year 2001 was not even challenged in this writ petition. We do not find merit in this writ petition and it is accordingly dismissed. No order as to costs.

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(BILAL NAZKI, ACJ)

22nd July 2005.

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(K.C.BHANU, J)

ajr

To

1 The Secretary to Government of Andhra Pradesh, Finance and Planning

Department, Saifabad, Hyderabad.
2 The Pay and Accounts Officer, Nampally, Hyderabad.
3 The Registrar (Admn), High Court of Andhra Pradesh, Hyderabad

4 Two C.Cs. to the GP for Finance & Planning, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. copies.